

Ballard Spahr Stillman & Friedman LLP

425 Park Avenue
New York, NY 10022-3506
TEL 212.223.0200
FAX 212.223.1942
www.ballardspahr.com

Charles A. Stillman
stillmanc@bssfny.com

Marjorie J. Pearce
peercem@bssfny.com

Fax: 212.223.1942

January 6, 2014

VIA ECF

The Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Michael Domecq

Dear Judge Berman:

We write on behalf of Michael Domecq, whom Your Honor sentenced to a 10 year term of imprisonment and three years of supervised release on December 18, 2007. Mr. Domecq has been serving that sentence at the Allenwood Low Correctional Institution. He is due to be released to a halfway house on March 11, 2014, and his projected release date is September 6, 2014.

We are writing to respectfully request that Mr. Domecq be permitted to serve his period of supervised release in Spain, where his wife and most of his immediate family reside. I have spoken to Edwin Rodriguez, the Deputy Chief, United States Probation Department -- Supervision, who advises me that Probation would support Mr. Domecq serving supervised release in Spain under two conditions: that Mr. Domecq fully satisfy his criminal restitution obligation; and that he pay a portion of his post-release income to the Internal Revenue Service. Mr. Domecq has already fulfilled the first condition, and has agreed to the second condition. I have also spoken to Assistant United States Attorney Richard Tarlowe, who has advised me that the United States Attorney's Office has no objection to this request.

By way of background, Mr. Domecq pled guilty before Your Honor to two violations of 18 U.S.C. 371, one whose object was to evade taxes and the other to commit mail fraud, in full satisfaction of the charges brought against him. At the time of his sentencing he had been in prison for 16 months, seven of them in prison in the UK and nine of them in the custody of the Bureau of Prisons. After sentencing, he was designated to the Allenwood Low facility and has been there since the spring of 2008.

While at Allenwood, Mr. Domecq successfully participated in the Bureau of Prison's RDAP program from December 17, 2012 through September 17, 2013, and he is currently a peer

The Honorable Richard M. Berman
January 6, 2014
Page 2

mentor for RDAP helping others get through the program. He helps those who have completed the program prepare for their reentry back into society by helping them to write resumes and business plans. He has also helped set up programs for yoga, spinning and fitness, both by designing the classes and teaching them. As the Court is well aware, by providing exercise and recreational outlets for inmates (without incurring additional costs to the cash-strapped BOP), Mr. Domecq helps his fellow inmates cope with their time in custody and prepare for their life upon release.

Mr. Domecq, who is a dual citizen of Spain and the United States, has served his time in Allenwood while having virtually no friends and family residing in the United States. For almost ten years prior to his incarceration, Mr. Domecq was residing overseas, principally in Spain; he did not reside in the United States. Indeed, prior to his extradition, Mr. Domecq had not been in the United States since 1997. He met his wife, Teria, while in Spain; she continues to reside in Spain, where she runs a very successful company involved in the fashion industry. In short, Mr. Domecq established a life in Spain, and his wife, close friends and home are there.

Because he has been incarcerated in the United States for the past 6 ½ years, his wife has flown to the United States when she can, at enormous physical and financial costs, in order to maintain their relationship. His children have visited him as well, although less frequently than his wife.

Mr. Domecq has no family with whom he could reside in the United States upon release from prison. Indeed, when he is released from prison in March to a halfway house in Massachusetts, his current intention is to stay at a friend's home during the nights he does not have to sleep in the halfway house itself, which has been approved by his probation officer in Massachusetts. If he will be serving any part of his supervised release in the United States he will need to make living arrangements for that period of time.

Should Mr. Domecq be allowed to serve his supervised release in Spain, he expects that he will begin work at a salary of 120,000 Euros (a copy of his job offer letter is attached). Mr. Domecq is eager to get back to work, both to once again contribute to his own support and to also pay down his outstanding civil tax obligations to the I.R.S. Subject to Your Honor's approval, we have agreed with Probation and the U.S. Attorney's Office that Mr. Domecq will pay ten (10) percent of his net income towards his civil tax liability. He will make such payments on a quarterly basis.

As Your Honor is no doubt aware, Mr. Domecq will require family support and a stable home life in order to reintegrate successfully into society; his needs are only magnified by his recent completion of the RDAP program. He would not have a stable home life in the United States. He is 65 years old, and will be emerging from prison after being incarcerated in the UK and the United States since September 2006. He fully paid the criminal restitution, including having repaid his employer years before he was charged criminally.

The Honorable Richard M. Berman
January 6, 2014
Page 3

Although a United States citizen, he also has Spanish citizenship and his entire life is now in Spain.

Under these circumstances, we respectfully request that Your Honor permit Mr. Domecq to return to Spain for his period of supervised release, where he can live with his family, and return to being a productive member of society. We have attached a proposed order providing for this requested relief. Please let us know if Your Honor has any questions.

Respectfully submitted,

The block contains two handwritten signatures. The first signature is in dark ink and appears to be 'Charles A. Stillman'. The second signature is in a lighter ink and appears to be 'Marjorie J. Peerce'.

Charles A. Stillman
Marjorie J. Peerce

MJP/mm

cc: Richard Tarlowe, AUSA (via email)
Edwin Rodriguez, USPO (via email)
Rebecca Meiklejohn, USDOJ (via ECF)



»ORION« BULKERS

ORION BULKERS GMBH & CO. KG · P.O. Box 52 05 62 · 22595 Hamburg, Germany

Mr.
Michael Domecq
Reg # 58102-066
LSCI Allenwood
PO Box 1000
White Deer PA
USA

Visiting Address: Grosse Elbstrasse 277
22767 Hamburg, Germany
Mailing Address: P.O. Box 52 05 62
22595 Hamburg, Germany
Phone: +49 - 40 - 41 30 60 - 0
Fax: +49 - 40 - 41 30 60 - 90
Email: mail@orionbulk.com
Internet: www.orionbulk.com

Hamburg, March 20th, 2013

Dear Mr. Domecq;

This letter serves as our confirmation to you of employment with our company for the position of Executive Director of Business Development for the Spanish peninsula and the South American Market.

The annual salary will be 120,000 Euros per annum plus commissions. Also included will be our regular benefits, holidays, health insurance etc; the details of which will be set out in a formal employment contract.

You will be based in Spain and our company will provide you with an office in Madrid, a secretary, telephone and a full set of indispensable office tools like computer/s, fax, copy machine etc of today's standard.

We are encouraged to bring you on board as we anticipate that you will help us significantly to open our market for cargo holders within Spain and throughout South America. We also expect you to establish and maintain a good working relationships with colleague companies like Elcano and Marship with whom we expect fruitful cooperation as our fleets have common features.

We hope you will be able to join us as soon as possible as we strive to establish the office for this important market development sooner rather than later. We understand that your prison sentence will be completed in September of 2014, preventing you from starting sooner, so at latest we would expect you to be able to start your work with us as soon thereafter as possible.

Please inform us as soon as possible when you will be able to start, but not less than 30 days prior to your arrival in Madrid so we can properly prepare the necessary documents and permits.

Please confirm your receipt of this letter and we look forward to hearing from you soon.

Yours truly

»ORION« BULKERS

Johann-Stephan Reith

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
UNITED STATES OF AMERICA,	:	
	:	
v.	:	00-CR-907 (RMB)
	:	
MICHAEL DOMEcq,	:	
	:	
Defendant.	:	<u>[PROPOSED] ORDER</u>
-----X	:	

THIS MATTER having come before the Court upon Defendant Michael Domecq's uncontested letter application that he be permitted to serve his supervised release in Spain, and the Court having considered that letter application, and for good cause shown:

IT IS THIS ____ day of _____, 2014 hereby **ORDERED** that Defendant Michael Domecq be permitted to serve his period of supervised release in Spain

AND it is **ORDERED** that Defendant Michael Domecq shall contribute ten [10] percent of his net income towards his civil tax liability, but transmitting the money on a quarterly basis to the United States Internal Revenue Service.

So Ordered

Richard M. Berman
United States District Judge